

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv371**

**ARGONAUT GREAT CENTRAL
INSURANCE COMPANY,**

Plaintiff,

Vs.

**MCDOWELL COUNTY; DUDLEY
GREENE, in his official capacity as Sheriff
of McDowell County; JAMES BRANDON
WATSON, in his official capacity as a
Deputy with the McDowell County Sheriff's
Office; KIMBERLY D. FRYE and DAVID
L. FRYE as Co-Administrators of the Estate
of Kennedy Elizabeth Frye; KATHERINE
ELIZABETH FRYE; BRUCE A. ELMORE,
JR., as Guardian Ad Litem for Katherine
Elizabeth Frye, a minor; KIMBERLY D.
FRYE; DAVID L. FRYE; RUTH ANN
HUSKINS; and RONNIE HUSKINS,**

Defendants.

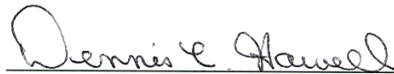
JUDGMENT

THIS MATTER having come before the court in accordance with 28, United States Code, Section 636(c), and on the Frye defendants' Motion to Dismiss Civil Action Under 28 U.S.C. § 2201 (#34), and having carefully considered the arguments

of the parties, as reflected in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Frye defendants' Motion to Dismiss Civil Action Under 28 U.S.C. § 2201 (#34) is **ALLOWED**, the Complaint and all Counterclaims are **DISMISSED** without prejudice as to refiling such in state court, this action is **CLOSED**.

Signed: May 19, 2009

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Dennis L. Howell
United States Magistrate Judge

